



05-25-07

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Docket No.: 17170/014001
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Roger Abadia

Application No.: 10/554,487

Confirmation No.: 6548

Filed: October 24, 2005

Art Unit: 2833

For: INTERPOSED ELECTRICAL
CONNECTOR WHICH IS INTENDED TO
CONNECT TWO STACKED
ELECTRONIC CIRCUITS AND TO THE
METHOD OF MOUNTING SAME

Examiner: T. D. Ta

REQUEST FOR UPDATE OF PTO RECORDS REGARDING 371 DATE

MS Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Pursuant to a decision on petition dated March 19, 2007 (copy attached), this application is entitled to a 35 U.S.C. 371 date of October 24, 2005. As of the date of filing this paper, the PTO records as shown in PAIR still reflect the incorrect date of October 26, 2005. Accordingly, update of the PTO records prior to issuance of this application is respectfully requested.

Application No.: 10/554,487

Docket No.: 17170/014001

Applicant believes no fee is due with this request. However, if a fee is due, please charge our Deposit Account No. 50-0591, under Order No. 17170/014001.

Dated: May 24, 2007

Respectfully submitted,

By 

Jonathan P. Osha

Registration No.: 33,986

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PTO/SB/21 (04-07)

Approved for use through 09/30/2007. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	10/554,487-Conf. #6548	
	Filing Date	October 24, 2005	
	First Named Inventor	Roger Abadia	
	Art Unit	2833	
	Examiner Name	T. D. Ta	
Total Number of Pages in This Submission	7	Attorney Docket Number	17170/014001

ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below): Request for Update of PTO Records w/ Attachment (5 pages) Certificate of Express Mailing (1 page) Return Receipt Postcard
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	OSHA LIANG LLP		
Signature			
Printed name	Jonathan P. Osha		
Date	May 24, 2007	Reg. No.	33,986

**RECEIVED**
MAR 23 2007
OSHA - LIANG LLPCommissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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19 MAR 2007

In re Application of
ABADIA

Application No.: 10/554,487

PCT No.: PCT/FR04/01020

Int. Filing Date: 28 April 2004

Priority Date: 28 April 2003

Atty. Docket No.: 17170/014001

For: INTERPOSED ELECTRICAL CONNECTOR
WHICH IS INTENDED TO CONNECT TWO
STACKED ELECTRONIC CIRCUITS AND TO
THE METHOD OF MOUNTING SAME

DECISION ON PETITION

UNDER 37 CFR 1.10(d)

Docketed Action:		
<input type="checkbox"/> New	<input checked="" type="checkbox"/> Previously	<input type="checkbox"/> Non Required
Docket Number: 17170/014001		
Attorney Initials: JPL/RXW		
Docketing Initials: AW		

This is a decision on applicant's "REQUEST FOR CORRECTED FILING RECEIPT" filed 09 November 2006 in the United States Patent and Trademark Office (USPTO). The request is being treated as a petition under 37 CFR 1.10. No petition fee is required.

BACKGROUND

On 28 April 2004, applicant filed international application PCT/FR04/01020 which claimed priority to an earlier Australian application filed 28 April 2003. A copy of the International Application was forwarded to the United States Patent and Trademark Office (USPTO) from the International Bureau (IB) on 11 November 2004. Pursuant to 37 CFR 1.495, the thirty-month period for paying the basic national fee in the United States expired at midnight on 28 October 2005.

On 26 October 2005, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by the requisite basic national fee as required by 35 U.S.C. 371(c)(1); an English translation of the international application as filed; an executed declaration of the inventor; an assignment document for recording and an Application Data Sheet.

On 18 July 2006, applicant was mailed a "Notification of Acceptance" (Form PCT/DO/EO/903) indicating a 371 date of 26 October 2006.

On 09 November 2006, applicant filed the present petition and request for corrected filing receipt indicating that the papers at issue, satisfying the 35 U.S.C. 371 requirements, were filed 24 October 2006. While, the petition states, "10/24/2006" it is clear from the petition and accompanying documentation that applicant seeks a 35 U.S.C. 371 date of 24 October 2005.

DISCUSSION

37 CFR 1.10(a) states:

(1) Any correspondence received by the U.S. Patent and Trademark Office (USPTO) that was delivered by the "Express Mail Post Office to Addressee" service of the United States Postal Service (USPS) will be considered filed with the USPTO on the date of deposit with the USPS.

(2) The date of deposit with USPS is shown by the "date in" on the "Express Mail" label or other official USPS notation. If the USPS deposit date cannot be determined, the correspondence will be accorded the USPTO receipt date as the filing date. See § 1.6(a).

A review of the Express Mail label for the subject mailing, EV707248153US shows a "date-in" date of "10-26-05." Thus, the USPTO did correctly accorded a 371 date of 26 October 2005 pursuant to 37 CFR 1.10(a). However, 37 CFR 1.10(d) provides relief in cases where applicant can show an error or discrepancy between the date of deposit and the date written in as the "date-in" date by the USPS.

37 CFR 1.10(d) states:

Any person filing correspondence under this section that was received by the Office and delivered by the "Express Mail Post Office to Addressee" service of the USPS, who can show that the "date-in" on the "Express Mail" mailing label or other official notation entered by the USPS was incorrectly entered or omitted by the USPS, may petition the Commissioner to accord the correspondence a filing date as of the date the correspondence is shown to have been deposited with the USPS, provided that:

(1) The petition is filed promptly after the person becomes aware that the Office has accorded, or will accord, a filing date based upon an incorrect entry by the USPS;

(2) The number of the "Express Mail" mailing label was placed on the paper(s) or fee(s) that constitute the correspondence prior to the original mailing by "Express Mail"; and

(3) The petition includes a showing which establishes, to the satisfaction of the Commissioner, that the requested filing date was the date the correspondence was deposited in "Express Mail Post Office to Addressee" service prior to the last schedule pickup for that day. Any showing pursuant to this paragraph must be corroborated by evidence from the USPS or that came into being after deposit and within one business day of the correspondence in the "Express Mail Post Office to Addressee" service of the USPS.

Applicant has satisfied all three items above. Specific to item 3, applicant has provided a copy of the customer copy of the Express Mail mailing label which shows a USPS barrel stamp dated "OCT 24 2005." In addition, a review of the USPS track and confirm database shows acceptance of the Express Mail parcel by the USPS on 24 October 2005 at 4:16pm.

For the reasons above, it is proper to grant applicant's petition under 37 CFR 1.10(d) at this time.

CONCLUSION

Applicant's petition under 37 CFR 1.10(d) is **GRANTED**.

The application has an international filing date of 28 April 2004 under 35 U.S.C. 363 and will be given a date of **24 October 2005** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

USPTO records will be updated to reflect the correct 371 date.

The "Notification of Acceptance of Application Under 35 U.S.C. 371 and 37 CFR 1.494 or 1.495" (Form PCT/DO/EO/903) mailed 18 July 2006 is hereby **VACATED**.

This application is being returned to the United States Designated/Elected Office (US/DO/EO) for further processing in accordance with this decision, namely the issuance of a "Notification of Acceptance of Application Under 35 U.S.C. 371 and 37 CFR 1.494 or 1.495" (Form PCT/DO/EO/903) and corrected filing receipt indicating the correct 371 date as **24 October 2005**.



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Application No. (if known): 10/554,487

Attorney Docket No.: 17170/014001

Certificate of Express Mailing Under 37 CFR 1.10

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail, Airbill No. EM029497935US in an envelope addressed to:

MS Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

on May 24, 2007
Date


Signature

Sarah J. Buta

Typed or printed name of person signing Certificate

Registration Number, if applicable

(713) 228-8600
Telephone Number

Note: Each paper must have its own certificate of mailing, or this certificate must identify each submitted paper.

Request For Update of PTO Records Regarding 371 Date w/ Attachment
(5 pages)
Transmittal (1 page)
Return Receipt Postcard